

October 12, 2004

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular meeting at 7:02 p.m. on October 12, 2004, in Council Chambers.

ROLL CALL

Present: Councilmembers Lieu, McIntyre, Nowatka, Mauno, Scotto, Witkowsky and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

The invocation was given by Councilmember Scotto.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Lieu moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Mauno and a voice vote reflected unanimous approval.

MOTION: Councilmember Lieu moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Mauno and a roll call vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced a Finance and Governmental Operations Committee Meeting on Tuesday, October 26, at 5:30 p.m. in Council Chambers at City Hall.

Councilmember Nowatka reported the Ad Hoc Legislative Committee had met at 4:30 p.m. in the Third Floor Assembly Room and recommendations from that meeting will be forwarded to the Council at a later date.

Mayor Walker asked that the meeting be adjourned in memory of former City employees Ruthy Enrietta, who passed away on September 30, 2004 and Christine Hill, who passed away on October 5, 2004.

6. COMMUNITY MATTERS

6a. DONATIONS FOR TORRANCE SKATE PARK AT WILSON PARK

Recommendation of the **Parks and Recreation Director** that City Council recognize OWI, Inc.; Martin Brass Foundry; Dental Alloy Products Inc.; and Prosound, Inc.; for their generous donation of a sound system consisting of a multiple compact disk player, 70v amplifier, and 20 outdoor speakers, for the Torrance Skateboard Park at Wilson Park.

MOTION: Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker noted that a representative from Prosound was unable to attend meeting and presented plaques to Ned Morioka – OWI, Inc., Rod Guyton – Dental Alloy, and Roland Martin – Martin Brass. Mr. Guyton, Mr. Martin and Mr. Morioka all indicated that the donation was an opportunity to give back to the community and help Torrance youth.

7. CONSENT CALENDAR

7a. COMMUNITY SERVICES COMMISSION 2003-2004 ANNUAL REPORT

Recommendation

Recommendation of the **Parks and Recreation Director** and the **Community Services Commission** that City Council accept and file the Community Services Commission 2003-2004 Annual Report.

7b. LEASE AND SUB-LEASE LOCATED AT 3131 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to:

- 1) First Amendment to lease by and between the City of Torrance (CITY), a Municipal Corporation, as Lessor, and R. Williams, Inc. (Tenant), a California Corporation, as Lessee, and Carwell, LLC (Subtenant), a Delaware limited liability company, as subtenant;
- 2) Consent to sublease and related documents (Consent) by and between the City of Torrance (TORRANCE), R. Williams, Inc. (WILLIAMS), a California Corporation, MMIP Dealer Corp III, Inc. (MMIP), and Carwell, LLC (CARWELL), a Delaware limited liability company;
- 3) Temporary sublease Back Agreement by and between R. Williams, Inc. (WILLIAMS), a California Corporation, Carwell, LLC (CARWELL), a Delaware limited liability company, and MMIP Dealer Corp III, Inc., (MMIP); and
- 4) Memorandum of lease by and between the City of Torrance (Landlord) and R. Williams, Inc. (Tenant), a California Corporation and a Memorandum of Sublease by and between R. Williams, Inc., a California Corporation and Carwell, LLC a Delaware limited liability company.

It is further recommended that City Council acknowledge the termination of sublease agreement (Sublease Termination) by and between R. Williams, Inc., a California Corporation, and MMIP Dealer Corp III, Inc., (MMIP) for City-owned property located at 3131 Pacific Coast Highway currently known as Torrance Mitsubishi.

7c. INTEREST RE 2003 COPS GRANT FUND

Recommendation

Recommendation of the **Chief of Police** that City Council appropriate and allocate any interest from the 2003 COPS grant to fund continued operations of the community relations program approved for this grant.

7d. PURCHASE AGREEMENT RE NEC UNIFIED SOLUTIONS, INC.

Recommendation

Recommendation of the **Communications and Information Technology Director** that City Council authorize entering into a new master purchase agreement (MPA) with NEC Unified Solutions, Inc. for the purchasing and leasing of products and services. The term of the agreement will begin upon execution of the agreement and will run indefinitely or until terminated by either party with thirty (30) days notice.

7e. TURKEY TROT RACE DONATION ACCOUNT APPROPRIATION

Recommendation

Recommendation of the **Parks and Recreation Director** that City Council appropriate \$11,600 from the Parks and Recreation Turkey Trot Race Donation Account and transfer these funds to the Parks and Recreation Enterprise Fund to offset the cost of the 25th Anniversary participant sweatshirts.

7f. PURCHASE ORDER RE COMMUNICATIONS DEPARTMENT WORKSTATIONS

Recommendation

Recommendation of the **General Services Director** and **Communications and Information Technology Director** that City Council:

- 1) Authorize a purchase order to Allsteel in the amount of \$50,053.29 for the purchase of workstations; and
- 2) Authorize a purchase order to Interservice for the amount of \$7,326.67 for the installation of workstations for the CIT Department at the City Hall West Annex.

7g. CONTRACT RE ARMSTRONG THEATRE SKYLIGHTS

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Approve a contract with Dandoy Glass for \$32,000 with a 5% contingency of \$1,600 for the replacement of the skylights at the James Armstrong Theatre (FEAP #377); and
- 2) Authorize a 10% project management fee of \$3,200.

7h. CONTRACT AMENDMENT RE DEMOLITION OF FORMER CITY WATER YARD

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Approve a contract amendment with J & G Industries (C2004-162) for \$9,790 for a total contract amount of \$87,365 for the demolition of the former City Water Yard (FEAP #484); and
- 2) Appropriate \$7,256 from the Water Enterprise Fund.

7i. CONTRACT RE TELEPHONE AND VOICEMAIL MAINTENANCE

Recommendation

Recommendation of the **Communications and Information Technology Director** that City Council authorize a contract to NEC Unified Solutions, Inc. (formerly NEC BNS, Inc.) for the repair and maintenance of the City's telephone and voicemail systems for one year in an amount not to exceed \$100,932. The term of the agreement will be October 12, 2004, through October 11, 2005.

MOTION: Councilmember Witkowsky moved to approve items 7a through 7i as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

11. ADMINISTRATIVE MATTERS

11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

MOTION: Councilmember Scotto moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

12. HEARINGS

12a. VAL04-00001: JOSEPH BARNETT

Recommendation of the **Planning Commission** and the **Community Development Director** that City Council deny the appeal and adopt a resolution denying a validation permit to allow the retention of two unpermitted bachelor units within an existing apartment complex on property located in the R-3 zone at 22515 Ocean Avenue.

VAL04-00001, JOSEPH BARNETT – RESOLUTION

Mayor Walker opened the public hearing at 7:13 p.m.

Planning Manager Isomoto provided background on the item noting that the subject property is zoned R-3 multi family residential as are the surrounding properties with the exception of one property directly across Ocean Avenue that is zoned for public use and will be a vest pocket park. The property was originally developed as a 17 unit apartment building in 1969 and currently has 19 units. In 1982 the property owner filed for a validation permit to retain the two unpermitted units and was approved by the Planning Commission for a period of six years with a condition of approval to secure building permits. Those permits were never obtained and the previous entitlements are now considered null and void.

The current request is for a new validation permit to retain the units in their present state: two bachelor units were created from two 3-bedroom units separated by a locked door with a new entrance installed from the lobby. Staff recommends denial since the property is inconsistent with current codes and standards; the existing parking and open space do not conform to the current code and the two unpermitted units do not meet the minimum square footage requirement for bachelor units.

She noted that at the Planning Commission meeting a resident of the apartment stated support for retention as the units provide needed affordable housing within the City. The Commission discussed the case at length and a motion to approve the permit with added requirements that the two units be occupied by either the manager, seniors over 55 or rented as affordable housing by HUD guidelines, failed. Commissioner Horwich opposed validating illegal units and moved to deny which passed.

Replying to an inquiry from Councilmember Mauno, Planning Manager Isomoto indicated that there is a kitchenette built into the bedroom area.

Councilmember Witkowsky expressed concern with the displacement of long term tenants and questioned whether the Council needed to make a decision immediately. Planning Manager Isomoto reported that the units were not rented at the time of the Planning Commission meeting and she was not sure if that status had changed.

Deputy City Attorney Whitham indicated that the Council could approve the permit indefinitely, keep restraint on it by approving for a set period of years, or deny. The permit was originally approved for 6 years to bring the units up to code, that time period has passed and the units were not brought in conformance with the code, the City is not satisfied, and the applicant is looking for additional validation.

Planning Manager Isomoto explained that the manager of the building has lived in one of the units for 15 years.

Councilmember Nowatka received clarification that under the analysis on page two, four criteria have to be met to grant the validation permit and Planning Manager Isomoto noted that the original validation permit contained a condition that the property must be brought up to present building code standards, but that was not done and the permit expired in 1988. The building could be brought up to building code standards but would not be able meet current zoning standards in terms of open space, providing additional parking, or making the units larger.

Replying to Mayor Walker, Planning Manager Isomoto indicated that she was not aware of anything on record in terms of a complaint about the facility besides this one. She indicated that construction of the illegal units was done by the original builder soon after the initial construction of the building.

Joe Barnett, Via Tejon, Palos Verdes Estates, stated that when he bought the building from the builder in 1970, those two units were in existence and he had no idea that they had not been fully approved by the building department. He indicated that he had not gotten a building permit after the first validation permit because he had done no building and made no changes to the building so he didn't think that he needed one.

Mr. Barnett expressed reluctance to move out Ted Flores, the manager of the building and a 20-year City employee living in one of the bachelor units. He noted that Apartment B had primarily been rented to senior citizens but he has kept it vacant so as not to violate the city ordinance. He reported that the current process began after he evicted a tenant who later became vindictive and alerted the building department to the fact that the validation permit had expired.

Mr. Barnett expressed hope that the City would permit him to retain the configuration that has worked for 34 years without a problem and he felt he had been helping the City fulfill the obligation for low to moderate income housing. He noted that several tenants had lived there for 19 years without rent increases and he has been providing low income housing for many senior citizens.

Councilmember McIntyre received clarification from Mr. Barnett regarding the minutes from a 1983 Planning Commission meeting that he indicated intent to eliminate those apartments when the tenants vacated in the near future but did not follow through.

Councilmember Lieu received clarification that Mr. Flores would be able to move into another, larger unit in the complex if the Council did not validate.

Responding to Councilmember Witkowski, Mr. Barnett indicated that people wanted to be in the bachelor unit because it is cheaper and some people don't like to care for a larger unit. Mr. Flores stated that he liked the unit for the low rent and low maintenance, and he hoped the Council would revalidate the application.

MOTION: At 7:36 p.m. Councilmember Witkowski moved to close the public hearing. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker commented that no one had done anything deliberately wrong and he expressed support for granting a validation permit with 4 conditions that all apply. He felt the configuration with the manager's door off the main lobby was convenient and simple to find, and he asserted that the owner was not malicious, but rather wanted to protect the tenants and had kept the place vacant for 18 months to solve a problem. Mayor Walker reported positive feedback from tenants about the owner, expressed support for the appeal and felt that the Planning Commission should not have put the six year limit on the permit in 1982 as those things tend to serve no purpose.

Councilmember Witkowski concurred with the Mayor, noting that there had been no complaints. She did not have a problem with approving the permit but wanted to see a time limit to a date certain with the imposition of conditions regarding senior, low cost or manager tenants.

Councilmember Lieu opposed validating the permit and expressed hope that the landlord would move Mr. Flores to a larger unit but keep his rent the same as he has lived in a small unit for 15 years and has been a good employee. He pointed out that the landowner had over 6 years to fix the problem and he expressed concern about setting a bad precedent.

Councilmember Nowatka acknowledged that Mr. Barnett did not know the property was non-conforming when he bought it but he did know in 1982 and he was given 6 years to correct the situation, and it has now been over 20 years and he has not tried to correct it. He pointed out that the property did not meet all the criteria to issue a validation permit.

Councilmember McIntyre supported denial of the requested validation permit noting that to allow it would set a bad precedent and would only help two people with subsidized housing.

Councilmember Mauno also felt it set a bad precedent to approve the permit and he observed that the applicant never indicated that there would be a financial hardship if the units were converted to their original design.

Councilmember Scotto expressed disappointment that a tenant complaint had made the City aware of a problem that has not been resolved for many years but felt it would set a bad precedent in the City to approve the permit.

MOTION: Councilmember Nowatka moved to deny the appeal and adopt the resolution denying the validation permit. Councilmember Lieu seconded the motion and a roll call vote reflected unanimous approval with the exception of Mayor Walker who dissented.

RESOLUTION NO. 2004-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA DENYING A REQUESTED VALIDATION PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 4 OF THE TORRANCE MUNICIPAL CODE TO RETAIN TWO UNPERMITTED BACHELOR UNITS WITHIN AN EXISTING APARTMENT COMPLEX ON PROPERTY LOCATED IN THE R-3 ZONE AT 22515 OCEAN AVENUE

MOTION: Councilmember McIntyre moved to adopt Resolution No. 2004-130. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

12b. EAS04-00004, ZON04-00004, CUP04-00016, DVP04-00004 SOUTH BAY LEXUS / CITY OF TORRANCE

Recommendation of the **Planning Commission** that City Council deny the appeal, approve the project and take the following actions:

- 1) Adopt a Negative Declaration (EAS04-00004);
- 2) Adopt an Ordinance approving a Zone Change (ZON04-00004) from Hawthorne Boulevard Corridor Hawthorne/Pacific Coast Highway Sub-district to R-3 to Hawthorne Boulevard Corridor, Meadow Park Sub-district for properties located at 24000-24004 Neece Avenue and 24007-24021 Hawthorne Boulevard;
- 3) Adopt Resolutions approving:
 - A Conditional Use Permit (CUP04-00016) to allow the construction and operation of an automobile dealership with service bays;
 - A Development Permit (DVP04-00004) to allow the construction and operation of an automobile dealership with service bays;
- 4) Approve an Ordinance Summary for publication.

The **Community Development Director** recommends that City Council approve the appeal and deny the project.

EAS04-00004, ZON04-00004, CUP04-00016, DVP04-00004 South Bay Lexus/City of Torrance

Mayor Walker opened the public hearing at 7:48 p.m.

Planning Manager Isomoto announced that supplemental material was available at the back of the auditorium and summarized the item noting that entitlements had been appealed by an adjacent property owner. She indicated that there was no proposal to

change the General Plan designation for the properties, the allowed Floor Area Ratio is .6 and the proposed auto dealership would have a FAR of .25. The zone change under consideration would move the boundary of the Meadowpark Sub-district to the south to include the subject property and the intervening lots. Automobile dealerships are conditionally permitted within the Meadowpark Sub-district, they are not permitted in the Hawthorne Pacific Coast Highway Sub-district.

She stated that the proposed dealership would act as a satellite for the main Lexus dealership on Pacific Coast Highway and would specialize in the sale of previously owned Lexus automobiles. The building would be set back about 48 feet from Hawthorne Boulevard and landscaping would be placed along the property lines and along Hawthorne Boulevard ranging from 8 feet to 15 feet in depth. The appellant owns the Kentucky Fried Chicken (KFC) to the south of the property and is concerned that the proposed dealership will require him to modify his site plan to accommodate onsite circulation and access to an existing trash enclosure.

Planning Manager Isomoto indicated that the proposed building would contain a showroom, offices, and a service area containing 9 bays with the required 26 parking spaces. The applicant has indicated that repair customers will pick up their cars at the main dealership which should reduce actual customers on site but code parking will still be required.

The Planning Commission reviewed the project on August 4, voting 5-1 for a negative declaration for the environmental assessment and they approved the balance of the entitlements. Planning Commissioners noted that the attractive building would be an asset to the area, and although they were sympathetic to the concerns of the KFC business operator, they felt the property owner had a chance to obtain access in the past but had failed to do so. The Community Development Director recommends denial of the zone change and the associated entitlements in order to maintain continuity with the intent of the Hawthorne Boulevard Pacific Coast Highway Sub-district.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto was not sure how many employees would be on site but noted that parking problems in the area were further to the north.

Responding to Councilmember Nowatka, Planning Manager Isomoto explained that there were four other properties that would be rezoned with the moving of the boundary to the south. There are two automotive uses on Hawthorne Boulevard and there are two non-conforming residential units that face onto Neece Avenue. Currently the automotive uses are legal non-conforming but if they were to leave, under the current standards, an automobile related business could not replace them, however, if the change were made, a conditional use permit would allow that change in the future.

Councilmember Witkowsky questioned why the matter was before the Council when last week the Council voted on alternate moratorium guidelines.

Planning Manager Isomoto explained that this application was received on June 16 so the project is exempted by finding number one.

Councilmember Nowatka commented they were confused because that is what finding number two said, not finding number one.

City Attorney Fellows clarified that after the agenda packet was written the resolution was re-written and a new finding number one was inserted so the paragraph is the same, but has been renumbered.

Bill Applegate, Galva Avenue, reported that there are 26 parking spaces provided but only 15 employees including sales and service people. He indicated that they had been cooperating with the Planning Department for many months and the case should have been before the Council a couple of months ago.

Mr. Applegate reported that although the proposed facility would not solve the space problems for the dealership on Pacific Coast Highway which has run out of room, it would help the dealership meet strict Lexus standards. He indicated that they had been working with the City and Land Management Team for several years trying to find a suitable site and had purchased this property over three years ago as a potential back up to protect the integrity of the dealership. The zone change includes four other parcels and was initiated by the City to allow the property to remain consistent with the General Plan with some additional allowable uses.

Mr. Applegate asserted that there were significant advantages for the neighbors with the proposed new use: the hours of operation are less than the current use; property driveways will be secured so there will be no cut through traffic and no opportunity to congregate on the site after hours; the building will have no openings facing Neece Avenue and will have significant and maintained landscaping; all noise attenuation will be met; and if service is to be performed at the new facility, Lexus personnel will drive the cars both ways. He indicated that he had sent letters to 70 adjacent property owners and received two phone calls, one in support of the project and the other person was inquisitive about what was going on.

Mr. Applegate asserted that the appellant had expressed concerns about access, but has no legal right to cross access which is by permission only and he was aware before purchasing the property that access would disappear when Lexus changed the use of the property. He noted that continued use of the access is not compatible with Lexus use and security requirements of the property but being a good neighbor, Mr. Atkins waited until he had a need to exercise his property rights. He indicated receipt of a letter written by Mr. Beverly, the representative for the appellant, that cites an issue of legal responsibility for the City if the access is cut off and he asserted that there was sufficient room on the appellant's property for ingress and egress.

Mr. Applegate, responding to Mayor Walker, explained that there would not be parking issues as there is sufficient parking for 15 employees and most likely there won't be that many employees at that location each day.

Responding to an inquiry from Councilmember Mauno, Mr. Applegate stated that 50 vehicles would be sold each month at an average cost of about \$35,000 each.

William Beverly, Carson Street, spoke representing the owners of the KFC property and provided a mission statement noting that they were not against car dealers or property rights. He indicated that the properties were once all under common ownership and designed to work together with free access between the Surti property and the Carrows property as well as sharing common ingress and egress. He acknowledged that ownership had been separated and certain rights were not granted,

but he reminded the Council that when Mr. Atkins purchased the property he knew it was not zoned for the use in which he was purchasing it as a back up.

Mr. Beverly cited concerns regarding additional congestion at the intersection and potential hazards due to a design feature noting that a survey had been performed by a licensed, registered surveyor which raised questions about the location of improvements relative to the property line. He pointed out that according to the survey, all the parking on the south side of the driveway is on Mr. Surti's property, and he feared increased hazards if cross access were to be blocked off and the driveway onto Neece eliminated, noting that if Mr. Surti and customers can not egress that way there would be people coming into KFC who have no way of getting out without turning around.

Mr. Beverly suggested that at peak traffic hours the lot would be full and cars would have to back up out on to Pacific Coast Highway and he questioned what kind of hazard would be created by forcing cars to exit 50 feet closer to the intersection when there is an acknowledged danger for cars exiting 80-100 feet further west. He cited section 9b which questioned whether the application conflicted with the applicable land use plan or policy and asserted that though the project did not violate the specific resolution, it did violate the policy.

Mr. Beverly asked that cross access easements be granted as a condition of approval noting that in order to put in a driveway, a tree and a trash enclosure would have to be moved, at least 4 parking spaces would be lost and other problems would be created on the site.

Replying to Mayor Walker, Mr. Beverly indicated that he did not have an approximate cost for moving the trash enclosure and the tree, and he pointed out a possible transformer issue. Mr. Beverly reiterated that they would prefer to maintain shared ingress and egress as originally designed.

Mr. Beverly, responding to Councilmember McIntyre, indicated that he did not have a traffic count for the property, but he related that busy hours were from 11:30 a.m. to 2:00 p.m. and 4:00 p.m. to 8:00 p.m.

Councilmember Witkowski reported that she frequented both KFC and Carrows and she suggested that a good plan would be to have an exit on Neece that would go to the back of the KFC creating a flow through and a happy medium for everybody. Mr. Beverly indicated that was an acceptable option noting that Neece egress was the primary issue.

Responding to an inquiry from Mayor Walker, Planning Manager Isomoto reported that the transportation planners calculated that one parking space might possibly be lost with a one way drive out to Neece.

Responding to Councilmember Mauno, Mr. Beverly indicated that their issues related to circulation and the impact on intersection.

In response to an inquiry from Councilmember Mauno, Planning Manager Isomoto explained that if the current layout of Mr. Surti's lot with the angled parking were changed to straight parking, the required amount of space between the two aisles would be available to make a back up turn and proceed out onto Pacific Coast Highway, but the better solution is to have the driveway on to Neece.

Councilmember Lieu received clarification that Mr. Beverly did not object to the dealership but wanted access off Neece for convenience and safety.

Councilmember Scotto pointed out that if they were building the KFC today, a driveway off of Neece would not be permitted that close to the corner. Planning Manager Isomoto asserted that would depend on many issues and noted that when dealing with a property that is limited in size and what can be done with it, sometimes exceptions are made. She noted that the configuration would not be ideal but would preserve the usability of the site and she pointed out that currently the parking spaces are shared between the two properties.

Councilmember Witkowski left Council Chambers at 8:27 p.m.

Responding to Councilmember Scotto, Mr. Beverly indicated no objection to a shared driveway equitable to both sides but the dealership has security issues and needs to control access to their property. Councilmember Scotto suggested that there could be some way to secure their part of the driveway and Mr. Surti indicated that they had similar hours as both close at 9:00 p.m.

Councilmember Nowatka expressed concern with the driveway coming out so close to the intersection.

Councilmember Witkowski returned to Council Chambers at 8:30 p.m.

In response to an inquiry from Councilmember Nowatka, Mr. Beverly indicated that several years ago Mr. Surti had made informal inquiries to convert to a drive through restaurant, but no formal application was made after he received advice against it because it would require rezoning.

Councilmember Lieu questioned why there is a difference within the sub-districts along Hawthorne Boulevard Corridor requiring a zone change.

Community Development Director Gibson explained that when the Hawthorne Boulevard Corridor Specific Plan was adopted, the area was divided into different districts and the Council through a hearing process, identified certain sub-districts that had unique characteristics that the Council wished to protect by limiting certain usages. Prior to the Hawthorne Boulevard Corridor Specific Plan there had been an application for a drive through and there was a concern about circulation impacts and how it might affect a heavily used intersection. Automotive uses were also determined to be one of those kinds of uses which they wanted to discourage from this location. Kentucky Fried Chicken and Taco Bell were deemed to be legal non-conforming uses under the Hawthorne Boulevard Corridor Specific Plan in this particular sub-district and the Council determined that those automotive focused uses were not appropriate at this particular intersection given the amount of traffic and congestion that exists. Councilmember Lieu received clarification that Martin Chevrolet is in a different sub-district.

Responding to Councilmember Witkowski, Community Development Director Gibson explained that the Jiffy Lube in Meadow Park was approved in 1992 prior to the Hawthorne Boulevard Corridor Specific Plan. Councilmember Witkowski observed that it was a confusing situation and she questioned where the line should be drawn as there are the current rules and then the places that have been grandfathered in.

Mayor Walker asked City Attorney Fellows to explain about the supplement on this item with regard to the City Council action last week on the resolution and whether there is a conflict.

City Attorney Fellows clarified that the resolution last week specifically exempted applications that were complete as of August 10, 2004 and this application was complete at that point and therefore explicitly exempted from the provisions of the resolution adopted last week.

Mr. Applegate asserted that there was plenty of room to back up if the lot was re-striped and indicated that the property was laid out to maximize parking for employees and cars, and for the security of the high profile cars. He explained the importance of proximity to the dealership in order to be approved by Lexus, noting that otherwise they would have to go somewhere else.

Mr. Applegate felt the proposed development would have less of an impact on traffic than the current use and he indicated that the transformer behind the building did not have to be moved as it would not be affected by the driveway.

Mr. Applegate reported that neither Mr. Surti nor Mr. Atkins were interested in selling their property and the parking spots that are supposedly going to be lost are empty most of the time. He asserted that Mr. Surti did not have a legal right to the access and can safely operate his business if he re-stripes the lot.

Councilmember Mauno felt the Lexus project was a good idea for a lot of reasons and suggested trying to move the opening for shared driveway access with designated employee spaces. Mr. Applegate pointed out that they have a legal right to close the driveway, taking a strip out of the property to attempt to gain something for Mr. Surti was not to their advantage and if spaces were going to be created they would have to be for their exclusive use.

Councilmember Lieu received clarification on the hours of the dealership and that the proposed use would cause less traffic than the current use. Mr. Applegate indicated that the dealership needed to build a physical barrier to fully protect the cars and they wanted fewer openings, not more.

Tom Brewer, speaking on behalf of a coalition of homeowner associations, expressed opposition to the project, pointing out that the Council was being asked to rezone 5 parcels in the Hawthorne Boulevard corridor. He reminded the Council that just last week all seven Councilmembers agreed to follow General Plan for the City and he urged them to please follow the Specific Plan as well. He suggested that if they felt the Hawthorne Boulevard Specific Plan needed changing, the Council should make plans to update it, but follow it until that time.

Responding to an inquiry from Councilmember Lieu, Mr. Brewer noted that the project had gained support on the basis of reduced traffic, but he was not sure there really would be less traffic. He suggested that the issue be tabled until the plan was changed and he asserted that the City took a haphazard approach to the General Plan and this was the same issue argued about all summer.

Councilmember Lieu suggested that the issue could be a problem of perception and he pointed out that the Council had unanimously approved the project for the Vagabond Hotel site because it generated less traffic and people support uses that are less impactful.

Jackie Decker, Seaside Homeowners Association, opposed the plan citing traffic issues.

Don Barnard, Gramercy Avenue, opposed the issue noting that the owner bought the property fully aware of zoning restrictions. He suggested the dealership could use property by the Del Amo Shopping Center and urged the Council to stick to the General Plan and with the wishes of the community.

Judy Weber, Border Avenue, pointed out that an application bachelor apartments had been denied because it was not in accordance to the code and five Councilmembers expressed concern with setting a bad precedent by changing zoning without reevaluating the plan. She felt it would be a more respectful attitude to the efforts and commitments that residents have made for the past 18 months to stick to the code and suggested that if a zone change was needed, that they make changes to the Hawthorne Boulevard Specific Plan.

David Henseler, Singingwood Drive, reiterated previous comments adding that this was the Council's chance to show residents they are listening. He asserted: "If it doesn't fit, don't submit" and opposed the Council telling the public one thing and doing another.

Mr. Beverly pointed out that if parking spaces are full there is no space to turn around and cars would have to back out onto Pacific Coast Highway which creates a potential liability issue for the City. He felt that re-striping would not correct that issue and he noted that there are serious legal issues connected to easements by implication. Mr. Beverly pointed out that there is no data on traffic available and the burden is on the applicant to provide that information.

Mr. Applegate felt it was common sense that there would be a reduction in traffic and reported receiving assurances that the moratorium would not affect this project because it was pretty much approved except for coming before the Council. He indicated that the project was consistent with the General Plan and did not require an amendment as it was commercial to commercial noting that it is a technicality that says that automotive uses are not allowed.

MOTION: At 9:10 p.m. Councilmember McIntyre moved to close the public hearing. Councilmember Lieu seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker expressed empathy for Mr. Surti but asserted that the moratorium was not applicable here. He noted a large disparity in traffic generation between a restaurant and a car dealership, and observed that this project would partly solve the problem with the size of the dealership and the requirements put on them from Lexus. He did not feel it was that big of a requirement that they have to change the plan noting that the project fits, is trouble free, traffic free, and meets Lexus' needs. The sale of automobiles generates much revenue for the City and KFC can remain whole and has options because there is enough land to develop a path.

Mayor Walker hoped that last week's action was not a justification to bring all building in the City to a halt.

Councilmember Witkowsky reported that prior to being a Councilmember she was a stakeholder on the Hawthorne Corridor study which took three years and she recalled the rationale for the plan. She asserted that the vision was coming true in signage and with different districts from promenade to financial to Waltheria to Meadowpark. She noted that Jiffy Lube was on the corner of Pacific Coast Highway and Hawthorne before the plan was put in place, but the area is one of the focal points of the City and although she appreciated the businesses at that intersection, she felt the intersection was not what the stakeholders were looking for when designing the intersections. She noted that Lexus makes fine cars and she wished they could do something to assist, but she could not support the project because it does not follow the true intent of the Hawthorne Boulevard Corridor Plan.

Councilmember Lieu indicated that although Mr. Applegate made a good presentation on behalf of his client, he could not support the item as he could not tell whether the new use would be less impactful.

Councilmember Scotto felt that the community wanted the variances and rezoning to stop and although he would like to see the Lexus dealership succeed and stay in the City, the parcel did not satisfy their own needs and might create traffic and parking problems in the community.

Councilmember McIntyre felt it was an excellent project and she acknowledged the impact of the Lexus dealership on the City budget, but she did not support the zone change even though it is commercial to commercial as it is the wrong area for it. She acknowledged the time, money and expertise spent and suggested that perhaps another accommodation could be found to satisfy all residents and also contribute to the integrity of the Hawthorne Boulevard Corridor Specific Plan.

Councilmember Mauno did not have a problem with the proposed usage noting that common sense indicated that there would be less traffic, but he had a concern with traffic circulation around the existing restaurant and although last week's resolution does not technically apply, he felt it applied in spirit.

MOTION: Councilmember Scotto moved to approve the appeal. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval with the exception of Mayor Walker who dissented.

City Clerk Herbers stated that the resolutions of denial would be coming back for City Council action at a later date.

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The Torrance Redevelopment Agency met from 9:28 p.m. to 9:29 p.m.

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16. ORAL COMMUNICATIONS

16a. City Clerk Herbers reminded everyone that voters need to be registered to vote by October 18, 2004 in order to vote in the November 2 election and that the Los Angeles

County Registrar had started mailing sample ballots and information on absent voter ballots, and early electronic voting could be found on the city's website or on www.lavote.net. A booklet will be mailed to each household from the California Secretary of State with proposition information and she noted that Torrance has a Charter Amendment on the ballot: Measure T.

16b. City Clerk Herbers announced that the Southwood Homeowners Association would be holding a meeting at Anza School on November 1 at 7:00 p.m. with Mayor Walker, Councilmembers Witkowski and Scotto and former Mayor Dee Hardison asked to speak.

16c. City Clerk Herbers indicated that the League of Women Voters and Torrance Beach Cities League of Women Voters were hosting a candidate forum at the Ken Miller Recreation Center on Sunday, October 17 at 1:00 p.m. with candidates of the 53rd Assembly District and the 36th Congressional District seats present.

16d. City Clerk Herbers announced a panel discussion/debate on Measure T hosted by the Northwest Torrance Homeowners Association at the North High School Library on Thursday, October 28 at 7:00 p.m.

16e. City Clerk Herbers invited staff and the public to view the works of Torrance Artist Guild member Joan Brown on display in the City Clerk's office for the month of October.

16f. Councilmember Lieu reported that he and his wife were docents at the Historical Homes Tour and he congratulated President Debbie Hayes of the Torrance Historical Society as well as Janice Plank and Janet Payne, Gene Hassan, Liz Fobes, Keri Gilbert, Peggy Basile, Mike George, Carl Kaemerle, Sue Herbers, Gene Higginbotham and Lucile McComas. He stated that the City needed to do a better job of preserving historical assets and he looked forward to the committee recommendations noting that the current rating of a D- by the L.A. Conservancy is unacceptable.

16g. Councilmember Lieu congratulated Torrance Bakery on their 20th anniversary celebration.

16h. Councilmember Lieu reported that Torrance police officer Sgt. David Poff had just returned home safely from his service in Iraq.

16i. Councilmember Lieu reported that the 310 area code had not been split and he thanked those who wrote to the Public Utilities Commission opposing the issue.

16j. Councilmember Lieu encouraged people to register to vote and to encourage others to vote as the more people that vote the better it is for democracy.

16k. Councilmember Mauno also reported assisting in the Historic Home Tours and that he had observed a large turnout.

16l. Councilmember Mauno noted that the City of Torrance has become a popular location for filming television shows and movies which brings revenue and notoriety to the City.

16m. Councilmember McIntyre observed that most councilmembers were docents on Sunday at the Historic Home Tour and she thanked all the volunteers and the people who

opened up their homes, including Cameron and Robert Johnson who owned the house on Acacia where she was a docent. She found the architectural diversities in the area and the interest in historic Torrance impressive, noting that she was looking forward to the committee's report.

16n. Councilmember Nowatka commented that the historic overlay matter was in committee, that very specific direction had been given to staff and the matter would come forward soon.

16o. Councilmember Scotto reported being a docent with Councilmember Nowatka at 1329 Arlington and observed that the project was a huge undertaking for those who lent their homes.

16p. Councilmember Scotto congratulated Sgt. Poff for his service defending the country and requested that the Council honor him.

16q. Councilmember Witkowsky reported that she had worked as a docent at a one bedroom, 820 square foot home on Andreo built by Pacific Electric and she congratulated all the volunteers for their hard work.

16r. Mayor Walker reported participating in the home tours and being transferred to the museum as the meeter and greeter, where he also spent time cleaning up water damage in the women's restroom. He commented that it was probably the only time anyone can remember all Councilmembers participating in the Historical Home tour.

16s. Mayor Walker reported that the Annenberg Foundation was planning a project to create a tree house for handicapped youth and that alternate locations within the City are now being discussed, and that the matter will go to Councilmember Nowatka's Citizen Development and Enrichment Committee. The mayor indicated that Torrance had been chosen over many other cities and that the project would be a credit to Torrance. Parks and Recreation Director Barnett agreed to follow up on alternate locations.

16t. Mayor Walker commented on press reports regarding the Starview Treatment Facility in Torrance noting that Los Angeles County was taking the proper action with a moratorium on the intake of troubled youth. He reported a well attended meeting last week with the police department and county probation officers present, and he noted that the police department was reexamining the screening process. Starview is looking at reviewing their security and retraining their individuals. Mayor Walker noted that Supervisor Don Knabe has been a driving force and will back up the City in either making the facility safe or changing what takes place there. He stated that there will be a review of what has taken place with police, probation officers and Starview and the group will analyze where to go from there.

16u. Tom Brewer, Evelyn Avenue, reported that residents were upset by phone calls and e-mails from a police department employee supporting Measure T. He stated that he felt the actions raised questions about who is funding Measure T and whether employees used their positions to secure sensitive information such as unlisted phone numbers and personal emails and that the actions appear to be illegal and residents feel their privacy has been violated. Mr. Brewer asked on behalf of residents that emails cease in conjunction with Measure T or any future campaigns.

Mayor Walker responded that the e-mails were not generated through City resources but rather were from a City employee voicing his opinion. He asserted that there were laws involved in campaigns and the funding of campaigns and they will be strictly adhered to and the caller or e-mailer was just presenting the facts.

Mr. Brewer questioned how the email addresses were obtained noting that people were worried that those emails came from the Police Department. Mayor Walker indicated that the message was clean and straightforward and run by many people before it was sent out. He added that the lists were not compiled through the City and had nothing to do with the City but when the election over he will share with Mr. Brewer how it was done.

Councilmember McIntyre left Council Chambers at 9:56 p.m.

Mayor Walker asserted that there was no difference between a librarian and a police services employee making their comments known and he noted that those who wish to be taken off the list need only respond and indicate that.

16x. Robert Thompson, speaking on behalf of a coalition of homeowners associations, also reported receiving phone calls from what sounded like a representative of the Police Department. He reported that the coalition opposed Measure T as consolidated elections save very little money and take away most of the control, that voter turnout is not increased with consolidated elections and questioned why the Mayor and four Councilmembers supported the measure noting that incumbents do better with consolidated elections and the coalition does not want to see Torrance candidates beholden to special interest groups.

Mayor Walker stated his belief that the people of Torrance had voted for a combined election because it saves the taxpayers money and doubles voter turnout. He reported going over the figures with Mike Carroll of the Daily Breeze and noted that former Mayor Hardison had acknowledged that her fears about the combined election had not come true.

Councilmember McIntyre returned to Council Chambers at 9:59 p.m.

16y. Judy Weber noted that Mayor Walker had been a good sport at the historical homes tour. She then reported being angry about getting phone calls at home and political e-mail at her work which she felt to be an invasion of her privacy. She felt it dishonorable for the person to mention the Torrance Police Department in an attempt to garner respect and noted that there were laws against that. Ms. Weber pointed out that there were all kinds of ways to manipulate numbers to support arguments and she expressed opposition to Measure T.

Mayor Walker responded that the e-mail sent by the Torrance Police Services Officer was run by the Torrance Police Officers Association before it was sent.

Councilmember Nowatka pointed out that he is a member of the Torrance Police Officers Association and the gentleman who sent out the e-mail is not a member of that Association, but rather a member of AFSCME. Mayor Walker stated that the Police Officer's Association was informed as to what the e-mail and phone messages contained but he did not indicate whether the Association supported the message.

16z. David Henseler, Singingwood Drive, reported that Maureen O'Donnell had alluded that she was speaking for the Torrance Unified school board when she was in fact just

speaking for herself, and people resent that as well. He questioned who originated Measure T asserting that the public had a right to know and noting that when items go before the Assembly and the State Government there is an author. Mayor Walker asserted that the issue would save Torrance taxpayers money.

Councilmember Lieu asked the City Attorney for comment. City Attorney Fellows indicated that political speech is a highly preferred first amendment speech, not a telemarketing phone call. There are limits on who can speak on behalf of the organization, but he received a call and an e-mail and it did not seem to be outside the limits to him.

16aa. Bonnie Mae Barnard, Gramercy Avenue, Save Historical Old Torrance, invited everyone to Foster Freeze on October 13 to share memories. She also indicated extreme displeasure with the Mayor's insistence on rebutting each speaker noting that he was out of protocol. She asserted that was not proper etiquette and she was also offended by receiving e-mail from the Mayor and Tom Lanier which she also felt raised ethical and protocol issues. Mayor Walker retorted that when someone deliberately distorts the truth he has to respond.

16bb. Debbie Hayes, Torrance Historical Society, Post Avenue, personally thanked all the Councilmembers and City Clerk Herbers for volunteering to be docents, noting that downtown got lots of exposure and the experience brought back a sense of community with over 100 volunteers. She thanked the homeowners: Jeff Goodwin, Gene and Vicki Higginbotham, Russ Knight, Alice and Richard Kuhns, Herlinda Roleri, Linda Alley, Cameron and Robert Johnson, and Maria and Travis Cunningham.

17. EXECUTIVE SESSION
None.

18. ADJOURNMENT

At 10:17 p.m., the meeting was adjourned to Tuesday, October 19, 2004, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

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***Adjourned in memory of
Ruthy Enrietta and Christine Hill.***
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Attest:

/s/ Dan Walker
Mayor of the City of Torrance

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on January 25, 2005